UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,684	03/07/2001	Albert D. Baker	23-2	5046

7590   07/14/2004

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EXAMINER
KHUONG, LEE T

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
Office Action Summary	09/800,684		BAKER ET AL.
	Examiner		Art Unit
	Lee Khuong		2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 8/23/01 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/7/01</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informality: "the method comprising the

steps of:" should be deleted and replaced with "the apparatus comprising of:". Appropriate

correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claim 1 – 16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Itoh

(6,421,346), et al, hereafter is referred as Itoh.

Regarding claim 1 and 8,

Itoh teaches a method and system for configuring a first device of a communication

system (see figure 1, part 50, *ATM switch*), the method comprising the steps of: analyzing at

least one message received in the first device from a second device of the communication system

in order to determine a particular version of a protocol associated with the second device (see

figure 1, col. 4, lines 11 – 18, *part 52 – processor, part 63-2 information that identifies the*

version of the UNI), and storing in a memory associated with the first device an indication of the

particular version of the protocol associated with the second device (see figure 1, col. 4, lines 6 –

10, *memory 60 stores UNI identification information*).

Regarding claim 2 and 9,

Itoh teaches the method and system of claim 1 and claim 8, wherein the first device

comprises a switch of the communication system (see figure 1, part 50, col. 3, lines 42 – 50,

ATM switch).

Regarding claim 3 and 10,

Itoh teaches the method and system of claim 1 and claim 8, wherein the second device

comprises a customer premises equipment (CPE) device of the communication system (see

figure 1, *Terminal A*).

Regarding claim 4 and 11,

Itoh teaches the method and system of claim 1 and claim 8, wherein the protocol

comprises an asynchronous transfer mode (ATM) user-network interface (UNI) protocol (see

col. 4, lines 11 – 18, *ATM-UNI protocol*).

Regarding claim 5 and 12,

Itoh teaches the method and system of claim 1 and claim 8, wherein the at least one

message analyzed to determine the particular version of the protocol comprises a signaling

channel message received over a signaling channel established between the first and second

devices (see col. 6, lines 15 – 28, *call control processor 52 assigns Virtual path and Virtual*

Channel).

Regarding claim 6 and 13,

  Itoh teaches the method and system of claim 1 and claim 8, wherein the at least one

message is analyzed by first determining if an information element identifier extracted from the

message is a valid information identifier for a current protocol version associated with the second

device in a memory of the first device (see col. 4, lines 6 – 10, *ATM switch has a memory 60*

stores all possible UNI identification information 63), and if the extracted information element

identifier is not a valid information identifier for the current protocol version, determining if the

extracted information identifier is a valid information identifier for another version of the

protocol (see col. 4, lines 6 – 10, part 61, *the analysis of UNI version is being carried out by the*

analysis control data).

Regarding claims 15 and 16,

  Itoh teaches a method and a system for configuring a first device of a communication

system, the method and system comprising the steps of: analyzing at least one message received

in the first device from a second device of the communication system in order to determine a

particular version of an asynchronous transfer mode (ATM) user-network interface (UNI)

protocol associated with the second device (see figure 1, col. 4, lines 11 – 18, *part 52 –*

processor, part 63-2 information that identifies the version of the UNI); and storing in a

memory associated with the first device an indication of the particular version of the protocol

associated with the second device (see figure 1, col. 4, lines 6 – 10, *memory 60 stores UNI*

identification information); wherein the at least one message is analyzed by first determining if

an information element identifier extracted from the message is a valid information identifier for

a current protocol version associated with the second device in a memory of the first device (see

col. 4, lines 6 – 10, *ATM switch has a memory 60 stores all possible UNI identification*

information 63), and if the extracted information element identifier is not a valid information

identifier for the current protocol version, determining if the extracted information identifier is a

valid information identifier for another version of the protocol (see col. 4, lines 6 – 10, part 61,

the analysis of UNI version is being carried out by the analysis control data).

Conclusion

The prior arts made of record and not relied upon is considered pertinent to applicant's

disclosure.

Wells, (5,949,782), discloses a method and system of call correlation tag for ATM

messages.

Sasagawa, (6,308,217), discloses a method and system of ATM network with multiple
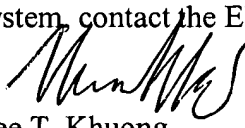
terminals with multiple UNI version.

Han, (6,009,097), discloses a method and system for routing packet switched traffic.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lee Khuong whose telephone number is 703-305-4899. The

examiner can normally be reached on 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lee T. Khuong
Examiner
Art Unit 2665

RICKY NGO
PRIMARY EXAMINER